IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 931 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/04/2004 in WP NO : 9904 OF 2004 on the file of the High Court.)

Between:
1 The Engineer-in-Chief, (I & CAD), Major Irrigation, Erramanzil,. . . Hyderabad.
2 The Superintending Engineer, O&M Circle, N.S.L.C. Tekulapally, . Khammam.

..... APPELLANTS

AND

1 G. Kistaiah, Pump Operator, s/o Akkulaiah,
C/o P.M. Vijay, H.No. 2-9-391, Snehanagar, Hanamkonda.
2 The Presiding Officer, Industrial Tribunal-cum-Labour Court, Warangal.

.....RESPONDENTS

For the Appellant: GP FOR IRRIGATION & COMM AREA DEV.

For the Respondent No.2: GP FOR LABOUR

The Court made the following :

ORAL JUDGMENT: (per Hon'ble The Chief Justice)

The appellant filed writ petition questioning the order dated 6-11-2003 in E.P.No. 39/2001 in I.D.No.253 of 1990 passed by the Industrial Tribunal-cum-Labour Court, Warangal, and to quash the same. Along with the Writ Petition, WPMP No.9904 of 2004 was also

filed for interim relief. Learned Single Judge, without any notice to the respondents, granted interim suspension but on deposit of Rs.91,260/- within a period of eight week. As a matter of fact, such a conditional order, in the absence of respondents resisting the grant of interim order, ought not to have been passed, that also on the condition that in case deposit is not made, interim suspension shall stand vacated.

Being an interim order, it could have been made absolute or vacated or modified after putting appearance by respondents and opposing continuation thereof or if continued on conditions.

At the threshold, in case Court was satisfied that there was prima facie case, order ought to have been suspended without condition, subject, of course, to the respondents putting any objection later on.

Consequently appeal is allowed. Impugned order is modified directing that there will be interim suspension as prayed in WPMP No.9904 of 2004 subject of course to the respondents filing any objections. Learned Single Judge will now proceed to decide the Writ Petition after hearing counsel for the parties. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 25.06.2004.

KVRK.

To

1 G. Kistaiah, Pump Operator, s/o Akkulaiah,
C/o P.M. Vijay, H.No. 2-9-391, Snehanagar, Hanamkonda.

2 The Presiding Officer, Industrial Tribunal-cum-Labour Court, Warangal.

3. 2 CCs to GP FOR IRRIGATION & COMM AREA DEV.(OUT)

4. 2 CCs to GP FOR LABOUR

5. 2 CD copies.